

1                   A bill to be entitled  
2           An act relating to extracurricular activities;  
3           amending s. 1002.20, F.S.; conforming cross-  
4           references; revising provisions related to  
5           participation in extracurricular activities; amending  
6           s. 1002.33, conforming cross-references; conforming  
7           provisions; amending s. 1006.15, F.S.; providing  
8           definitions; revising academic eligibility  
9           requirements; specifying grounds for student  
10          ineligibility for participation in interscholastic  
11          athletics; specifying conditions under which students  
12          who are enrolled in public schools, certain private  
13          schools, or home education programs may participate in  
14          the extracurricular activities of a public school;  
15          deleting obsolete provisions; amending s. 1006.20,  
16          F.S.; providing requirements regarding fees and  
17          admission prices; authorizing member schools to join  
18          other associations; revising provisions regarding  
19          eligibility, transfer, and recruiting; providing  
20          procedures for resolving student eligibility disputes;  
21          deleting provisions relating to the appeals committees  
22          of the Florida High School Athletic Association  
23          (FHSAA); amending s. 1012.795, F.S.; authorizing the  
24          Education Practices Commission to suspend the educator  
25          certificate of a person who has committed a third  
26          recruiting offense as determined by the FHSAA;

27 requiring the FHSAA to report certain information to  
 28 the department; amending s. 1012.796, F.S.; requiring  
 29 department staff to advise the commissioner of all  
 30 referrals by the FHSAA relating to recruiting offenses  
 31 by certain individuals; providing an effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Subsections (17) and (18) of section 1002.20,  
 36 Florida Statutes, are amended to read:

37 1002.20 K-12 student and parent rights.—Parents of public  
 38 school students must receive accurate and timely information  
 39 regarding their child's academic progress and must be informed  
 40 of ways they can help their child to succeed in school. K-12  
 41 students and their parents are afforded numerous statutory  
 42 rights including, but not limited to, the following:

43 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

44 (a) Eligibility.—Eligibility requirements for all students  
 45 participating in interscholastic ~~high school~~ athletic  
 46 competition must allow a student to be eligible in the school in  
 47 which he or she first enrolls each school year, the school in  
 48 which the student makes himself or herself a candidate for an  
 49 athletic team by engaging in practice before enrolling, or the  
 50 school to which the student has transferred ~~with approval of the~~  
 51 ~~district school board,~~ in accordance with ~~the provisions of s.~~  
 52 1006.20 ~~1006.20(2)(a).~~

53 (b) Medical evaluation.—Students must satisfactorily pass  
54 a medical evaluation each year before participating in  
55 athletics, unless the parent objects in writing based on  
56 religious tenets or practices, in accordance with ~~the provisions~~  
57 ~~of s. 1006.20 1006.20(2)(d).~~

58 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with ~~the~~  
59 ~~provisions of s. 1006.15:~~

60 (a) Eligibility.—Students who meet specified academic and  
61 conduct requirements are eligible to participate in  
62 extracurricular activities.

63 (b) Participation Home education students.—~~All public~~  
64 school students, including those enrolled in public schools of  
65 choice or virtual education, all home education students, and  
66 students attending an unaffiliated private school may  
67 participate in an extracurricular activity not offered by the  
68 student's school or home education program at any public school  
69 in the school district in which the student resides or a public  
70 school in another school district which the student could choose  
71 to attend pursuant to an interdistrict controlled open  
72 enrollment policy ~~who meet specified academic and conduct~~  
73 ~~requirements are eligible to participate in extracurricular~~  
74 ~~activities at the public school to which the student would be~~  
75 ~~assigned or could choose to attend according to district school~~  
76 ~~board policies, or may develop an agreement to participate at a~~  
77 ~~private school.~~

78 (c) ~~Charter school students.~~ Charter school students who

79 ~~meet specified academic and conduct requirements are eligible to~~  
 80 ~~participate in extracurricular activities at the public school~~  
 81 ~~to which the student would be assigned or could choose to attend~~  
 82 ~~according to district school board policies, unless such~~  
 83 ~~activity is provided by the student's charter school.~~

84 ~~(d) Florida Virtual School full-time students. Florida~~  
 85 ~~Virtual School full-time students who meet specified academic~~  
 86 ~~and conduct requirements are eligible to participate in~~  
 87 ~~extracurricular activities at the public school to which the~~  
 88 ~~student would be assigned or could choose to attend according to~~  
 89 ~~district school board policies.~~

90 (c)(e) Discrimination prohibited.—Organizations that  
 91 regulate or govern extracurricular activities of public schools  
 92 shall not discriminate against any eligible student based on an  
 93 educational choice of public, private, or home education.

94 Section 2. Subsection (11) of section 1002.33, Florida  
 95 Statutes, is amended to read:

96 1002.33 Charter schools.—

97 (11) PARTICIPATION IN ~~INTERSCHOLASTIC~~ EXTRACURRICULAR  
 98 ACTIVITIES.—A charter school student is eligible to participate  
 99 in an ~~interscholastic~~ extracurricular activity at another ~~the~~  
 100 public school ~~to which the student would be otherwise assigned~~  
 101 ~~to attend~~ pursuant to s. 1006.15 ~~1006.15(3)(d)~~.

102 Section 3. Subsections (2), (3), (4), and (8) of section  
 103 1006.15, Florida Statutes, are amended to read:

104 1006.15 Student standards for eligibility to participate

105 ~~participation in interscholastic and intrascholastic~~  
 106 ~~extracurricular student~~ activities; regulation.-

107 (2) Interscholastic extracurricular student activities are  
 108 an important complement to the academic curriculum.

109 Participation in a comprehensive extracurricular and academic  
 110 program contributes to student development of the social and  
 111 intellectual skills necessary to become a well-rounded adult. As  
 112 used in this part section, the term:

113 (a) "Eligible to participate" means meeting the  
 114 requirements of this section to participate in extracurricular  
 115 activities, including tryouts, off-season conditioning, summer  
 116 workouts, preseason conditioning, in-season practice, or  
 117 contests. However, such participation may be limited if the  
 118 activity is at maximum capacity or if the student does not have  
 119 the requisite skill and ability to participate.

120 (b) "Extracurricular activity" means a ~~any~~ school-  
 121 authorized or education-related activity occurring during or  
 122 outside the regular instructional school day.

123 (c) "Home education cooperative" means a parent-directed  
 124 group of individual home education students that provides  
 125 opportunities for extracurricular activities for students in the  
 126 group.

127 (d) "Nonprofit association" means the nonprofit  
 128 association that governs interscholastic athletic competition in  
 129 this state pursuant to s. 1006.20.

130 (e) "Public school student" means a student who is

131 attending a traditional public school, charter school, magnet  
 132 school, alternative school, developmental research laboratory  
 133 school, other public school of choice, or public virtual school.

134 (f) "Unaffiliated private school" means a private school  
 135 that is not a member of the nonprofit association.

136 (3) (a) A student is ~~To be~~ eligible to participate in  
 137 interscholastic extracurricular ~~student~~ activities if the, a  
 138 student ~~must~~:

139 1. Maintains ~~Maintain~~ a grade point average of 2.0 or  
 140 above on a 4.0 scale, or its equivalent, in the previous  
 141 semester or a cumulative grade point average of 2.0 or above on  
 142 a 4.0 scale, or its equivalent, ~~in the courses required by s.~~  
 143 ~~1002.3105(5) or s. 1003.4282.~~

144 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements  
 145 of an academic performance contract between the student, the  
 146 district school board or private school, the appropriate  
 147 governing association, and the student's parents, ~~if the~~  
 148 student's cumulative grade point average falls below 2.0, or its  
 149 equivalent, on a 4.0 scale ~~in the courses required by s.~~  
 150 ~~1002.3105(5) or s. 1003.4282.~~ At a minimum, the contract must  
 151 require that the student attend summer school, or its graded  
 152 equivalent, between grades 9 and 10 or grades 10 and 11, as  
 153 necessary.

154 3. Has ~~Have~~ a cumulative grade point average of 2.0 or  
 155 above on a 4.0 scale, or its equivalent, ~~in the courses required~~  
 156 ~~by s. 1002.3105(5) or s. 1003.4282~~ during his or her junior or

157 senior year.

158 4. Maintains ~~Maintain~~ satisfactory conduct as prescribed  
159 by the district school board's or private school's code,  
160 ~~including adherence to appropriate dress and other codes of~~  
161 student conduct and complies with sports ethics and substance  
162 abuse policies of the Florida High School Athletic Association  
163 (FHSA) policies described in s. 1006.07(2). If a student is  
164 convicted of, or is found to have committed, a felony or a  
165 delinquent act that would have been a felony if committed by an  
166 adult, regardless of whether adjudication is withheld, the  
167 student's participation in ~~interscholastic~~ extracurricular  
168 activities is contingent upon established and published district  
169 school board or private school policy.

170 5. Is a home education student who meets the requirements  
171 of the home education program pursuant to s. 1002.41, which must  
172 satisfy the requirements of subparagraphs 1., 2., and 3.

173 (b) A student may only be declared ineligible to  
174 participate in interscholastic athletic competition if:

175 1. The student fails to achieve compliance with paragraph  
176 (a);

177 2. The student has been recruited, as defined by s.  
178 1006.20(2)(b), and sanctions have been imposed against the  
179 responsible parties;

180 3. The student has exhausted 4 years of athletic  
181 eligibility, graduated from high school, or attained the maximum  
182 age established by the nonprofit association, whichever occurs

183 first;

184 4. The student forfeits his or her amateur status, as  
185 defined by the nonprofit association; or

186 5. The student does not pass a medical evaluation pursuant  
187 to s. 1006.20(2)(c), except as otherwise provided in s.  
188 1006.20(2)(d).

189 (c)1. ~~(b)~~ A ~~Any~~ student who is exempt from attending a full  
190 school day based on rules adopted by the district school board  
191 for double session schools or programs, experimental schools, or  
192 schools operating under emergency conditions must maintain the  
193 grade point average required by this section and pass each class  
194 for which he or she is enrolled.

195 2. A student who transfers from a home education program  
196 to a public or private school before or during the first  
197 semester of the school year is academically eligible to  
198 participate in extracurricular activities during the first  
199 semester if the student has a successful evaluation from the  
200 previous school year pursuant to s. 1002.41.

201 3. A public school or private school student who transfers  
202 into a home education program after being declared ineligible  
203 for participation in extracurricular activities pursuant to  
204 subparagraph (b)1. is ineligible to participate in such  
205 activities as a home education student until the student has  
206 successfully completed one semester in a home education program  
207 pursuant to s. 1002.41.

208 4. A public school student who transfers to a private

209 school or another public school, or a private school student who  
 210 transfers to a public school or another private school, after  
 211 being declared ineligible to participate in extracurricular  
 212 activities pursuant to subparagraph (b)1. is ineligible to  
 213 participate in such activities until the student has  
 214 successfully completed one semester at the school to which he or  
 215 she transfers and meets the requirements of paragraph (a).

216 (d)(e) A public school student, a student attending an  
 217 unaffiliated private school, or a ~~An individual~~ home education  
 218 student is eligible to participate in an extracurricular  
 219 activity that is not offered by the student's school or home  
 220 education program. Participation may occur at any ~~the~~ public  
 221 school in the school district in which the student resides ~~to~~  
 222 ~~which the student would be assigned according to district school~~  
 223 ~~board attendance area policies~~ or a public school in another  
 224 school district which the student could choose to attend  
 225 pursuant to an ~~district or~~ interdistrict controlled open  
 226 enrollment policy. A home education student ~~provisions, or~~ may  
 227 also develop an agreement to participate at a private school, in  
 228 the interscholastic or extracurricular activities of that  
 229 school. In order to participate under this paragraph, a student  
 230 must meet, ~~provided~~ the following conditions are met:

231 1. ~~The home education student must meet the requirements~~  
 232 ~~of the home education program pursuant to s. 1002.41.~~

233 2. ~~During the period of participation at a school, the~~  
 234 ~~home education student must demonstrate educational progress as~~

235 ~~required in paragraph (b) in all subjects taken in the home~~  
236 ~~education program by a method of evaluation agreed upon by the~~  
237 ~~parent and the school principal which may include: review of the~~  
238 ~~student's work by a certified teacher chosen by the parent;~~  
239 ~~grades earned through correspondence; grades earned in courses~~  
240 ~~taken at a Florida College System institution, university, or~~  
241 ~~trade school; standardized test scores above the 35th~~  
242 ~~percentile; or any other method designated in s. 1002.41.~~

243 ~~3. The home education student must meet the same residency~~  
244 ~~requirements as other students in the school at which he or she~~  
245 ~~participates.~~

246 1.4. The ~~home education~~ student must meet the same  
247 standards of acceptance, behavior, and performance as required  
248 of other students in extracurricular activities.

249 2.5. The student must register with the school his or her  
250 intent to participate in ~~interscholastic~~ extracurricular  
251 activities as a representative of the school before the  
252 beginning date of the nonathletic activity or season for the  
253 athletic activity in which he or she wishes to participate. A  
254 ~~home education~~ student must be able to participate in curricular  
255 activities if that is a requirement for an extracurricular  
256 activity.

257 3. A student who is enrolled in an unaffiliated private  
258 school, home education program, full-time public virtual school,  
259 or a public school that does not offer any interscholastic  
260 athletic programs may only participate in interscholastic

261 athletics at the school in which the student first makes himself  
262 or herself a candidate for an athletic team by engaging in  
263 practice.

264 4. The student's parent is responsible for transporting  
265 the student to and from the school at which the student  
266 participates. The school the student attends, the school at  
267 which the student participates in the extracurricular activity,  
268 the district school board, and the nonprofit association are  
269 exempt from civil liability arising from any injury to the  
270 student which occurs during such transportation.

271 ~~6. A student who transfers from a home education program~~  
272 ~~to a public school before or during the first grading period of~~  
273 ~~the school year is academically eligible to participate in~~  
274 ~~interscholastic extracurricular activities during the first~~  
275 ~~grading period provided the student has a successful evaluation~~  
276 ~~from the previous school year, pursuant to subparagraph 2.~~

277 ~~7. Any public school or private school student who has~~  
278 ~~been unable to maintain academic eligibility for participation~~  
279 ~~in interscholastic extracurricular activities is ineligible to~~  
280 ~~participate in such activities as a home education student until~~  
281 ~~the student has successfully completed one grading period in~~  
282 ~~home education pursuant to subparagraph 2. to become eligible to~~  
283 ~~participate as a home education student.~~

284 ~~(d) An individual charter school student pursuant to s.~~  
285 ~~1002.33 is eligible to participate at the public school to which~~  
286 ~~the student would be assigned according to district school board~~

287 ~~attendance area policies or which the student could choose to~~  
288 ~~attend, pursuant to district or interdistrict controlled open-~~  
289 ~~enrollment provisions, in any interscholastic extracurricular~~  
290 ~~activity of that school, unless such activity is provided by the~~  
291 ~~student's charter school, if the following conditions are met:~~

292 ~~1. The charter school student must meet the requirements~~  
293 ~~of the charter school education program as determined by the~~  
294 ~~charter school governing board.~~

295 ~~2. During the period of participation at a school, the~~  
296 ~~charter school student must demonstrate educational progress as~~  
297 ~~required in paragraph (b).~~

298 ~~3. The charter school student must meet the same residency~~  
299 ~~requirements as other students in the school at which he or she~~  
300 ~~participates.~~

301 ~~4. The charter school student must meet the same standards~~  
302 ~~of acceptance, behavior, and performance that are required of~~  
303 ~~other students in extracurricular activities.~~

304 ~~5. The charter school student must register with the~~  
305 ~~school his or her intent to participate in interscholastic~~  
306 ~~extracurricular activities as a representative of the school~~  
307 ~~before the beginning date of the season for the activity in~~  
308 ~~which he or she wishes to participate. A charter school student~~  
309 ~~must be able to participate in curricular activities if that is~~  
310 ~~a requirement for an extracurricular activity.~~

311 ~~6. A student who transfers from a charter school program~~  
312 ~~to a traditional public school before or during the first~~

313 ~~grading period of the school year is academically eligible to~~  
314 ~~participate in interscholastic extracurricular activities during~~  
315 ~~the first grading period if the student has a successful~~  
316 ~~evaluation from the previous school year, pursuant to~~  
317 ~~subparagraph 2.~~

318 ~~7. Any public school or private school student who has~~  
319 ~~been unable to maintain academic eligibility for participation~~  
320 ~~in interscholastic extracurricular activities is ineligible to~~  
321 ~~participate in such activities as a charter school student until~~  
322 ~~the student has successfully completed one grading period in a~~  
323 ~~charter school pursuant to subparagraph 2. to become eligible to~~  
324 ~~participate as a charter school student.~~

325 ~~(c) A student of the Florida Virtual School full-time~~  
326 ~~program may participate in any interscholastic extracurricular~~  
327 ~~activity at the public school to which the student would be~~  
328 ~~assigned according to district school board attendance area~~  
329 ~~policies or which the student could choose to attend, pursuant~~  
330 ~~to district or interdistrict controlled open enrollment~~  
331 ~~policies, if the student:~~

332 ~~1. During the period of participation in the~~  
333 ~~interscholastic extracurricular activity, meets the requirements~~  
334 ~~in paragraph (a).~~

335 ~~2. Meets any additional requirements as determined by the~~  
336 ~~board of trustees of the Florida Virtual School.~~

337 ~~3. Meets the same residency requirements as other students~~  
338 ~~in the school at which he or she participates.~~

339 ~~4. Meets the same standards of acceptance, behavior, and~~  
340 ~~performance that are required of other students in~~  
341 ~~extracurricular activities.~~

342 ~~5. Registers his or her intent to participate in~~  
343 ~~interscholastic extracurricular activities with the school~~  
344 ~~before the beginning date of the season for the activity in~~  
345 ~~which he or she wishes to participate. A Florida Virtual School~~  
346 ~~student must be able to participate in curricular activities if~~  
347 ~~that is a requirement for an extracurricular activity.~~

348 ~~(f) A student who transfers from the Florida Virtual~~  
349 ~~School full-time program to a traditional public school before~~  
350 ~~or during the first grading period of the school year is~~  
351 ~~academically eligible to participate in interscholastic~~  
352 ~~extracurricular activities during the first grading period if~~  
353 ~~the student has a successful evaluation from the previous school~~  
354 ~~year pursuant to paragraph (a).~~

355 ~~(g) A public school or private school student who has been~~  
356 ~~unable to maintain academic eligibility for participation in~~  
357 ~~interscholastic extracurricular activities is ineligible to~~  
358 ~~participate in such activities as a Florida Virtual School~~  
359 ~~student until the student successfully completes one grading~~  
360 ~~period in the Florida Virtual School pursuant to paragraph (a).~~

361 (4) The student standards for participation in  
362 interscholastic extracurricular activities must be applied  
363 beginning with the student's first semester of the 9th grade.  
364 Each student must meet such other requirements for participation

365 as may be established by the district school board; however,  
366 such requirements must apply on an equal basis to all students  
367 and a district school board may not make establish requirements  
368 for participation in interscholastic extracurricular activities  
369 which make participation in such activities less accessible to a  
370 transfer student or a student enrolled in a public school of  
371 choice, an unaffiliated private school, or a home education  
372 program students than to other students. A district school board  
373 or private school must equitably apply its transfer policies  
374 regardless of the reason for the transfer and may not establish  
375 transfer student eligibility policies which are more stringent  
376 than the policies established by the nonprofit association  
377 ~~Except as set forth in paragraph (3) (c), evaluation processes or~~  
378 ~~requirements that are placed on home education student~~  
379 ~~participants may not go beyond those that apply under s. 1002.41~~  
380 ~~to home education students generally.~~

381 ~~(8) (a) The Florida High School Athletic Association~~  
382 ~~(FHSAA), in cooperation with each district school board, shall~~  
383 ~~facilitate a program in which a middle school or high school~~  
384 ~~student who attends a private school shall be eligible to~~  
385 ~~participate in an interscholastic or intrascholastic sport at a~~  
386 ~~public high school, a public middle school, or a 6-12 public~~  
387 ~~school that is zoned for the physical address at which the~~  
388 ~~student resides if:~~

389 ~~1. The private school in which the student is enrolled is~~  
390 ~~not a member of the FHSAA and does not offer an interscholastic~~

391 ~~or intrascholastic athletic program.~~

392 ~~2. The private school student meets the guidelines for the~~  
393 ~~conduct of the program established by the FHSAA's board of~~  
394 ~~directors and the district school board. At a minimum, such~~  
395 ~~guidelines shall provide:~~

396 ~~a. A deadline for each sport by which the private school~~  
397 ~~student's parents must register with the public school in~~  
398 ~~writing their intent for their child to participate at that~~  
399 ~~school in the sport.~~

400 ~~b. Requirements for a private school student to~~  
401 ~~participate, including, but not limited to, meeting the same~~  
402 ~~standards of eligibility, acceptance, behavior, educational~~  
403 ~~progress, and performance which apply to other students~~  
404 ~~participating in interscholastic or intrascholastic sports at a~~  
405 ~~public school or FHSAA member private school.~~

406 ~~(b) The parents of a private school student participating~~  
407 ~~in a public school sport under this subsection are responsible~~  
408 ~~for transporting their child to and from the public school at~~  
409 ~~which the student participates. The private school the student~~  
410 ~~attends, the public school at which the student participates in~~  
411 ~~a sport, the district school board, and the FHSAA are exempt~~  
412 ~~from civil liability arising from any injury that occurs to the~~  
413 ~~student during such transportation.~~

414 ~~(c) For each academic year, a private school student may~~  
415 ~~only participate at the public school in which the student is~~  
416 ~~first registered under sub-subparagraph (a)2.a. or makes himself~~

417 ~~or herself a candidate for an athletic team by engaging in a~~  
418 ~~practice.~~

419 ~~(d) The athletic director of each participating FHSAA~~  
420 ~~member public school shall maintain the student records~~  
421 ~~necessary for eligibility, compliance, and participation in the~~  
422 ~~program.~~

423 ~~(e) Any non-FHSAA member private school that has a student~~  
424 ~~who wishes to participate in this program must make all student~~  
425 ~~records, including, but not limited to, academic, financial,~~  
426 ~~disciplinary, and attendance records, available upon request of~~  
427 ~~the FHSAA.~~

428 ~~(f) A student must apply to participate in this program~~  
429 ~~through the FHSAA program application process.~~

430 ~~(g) Only students who are enrolled in non-FHSAA member~~  
431 ~~private schools consisting of 125 students or fewer are eligible~~  
432 ~~to participate in the program in any given academic year.~~

433 Section 4. Subsection (1), paragraphs (a), (b), (f), (g),  
434 (h), and (i) of subsection (2), and subsection (7) of section  
435 1006.20, Florida Statutes, are amended to read:

436 1006.20 Athletics in public K-12 schools.—

437 (1) GOVERNING NONPROFIT ASSOCIATION ORGANIZATION.—The  
438 Florida High School Athletic Association (FHSAA) is designated  
439 ~~as~~ the governing nonprofit association for purposes of  
440 membership in the National Federation of State High School  
441 Associations ~~organization of athletics in Florida public~~  
442 ~~schools. If, at any time,~~ the FHSAA fails to meet the provisions

443 of this ~~part section~~, the commissioner, with the approval of the  
444 State Board of Education, shall designate another a nonprofit  
445 association ~~organization~~ to govern interscholastic athletic  
446 competition in this state and serve as Florida's voting member  
447 association of the National Federation of State High School  
448 Associations ~~athletics with the approval of the State Board of~~  
449 ~~Education~~. The FHSAA is not a state agency as defined in s.  
450 120.52 but is. ~~The FHSAA shall be subject to~~ ss. 1006.15-  
451 1006.19. Any special event fees, sanctioning fees, including  
452 third-party sanctioning fees, or contest receipts collected  
453 annually by the FHSAA may not exceed its actual costs to perform  
454 the function or duty that is the subject of or justification for  
455 the fee ~~the provisions of s. 1006.19~~. The FHSAA shall offer  
456 spectators seeking admission to interscholastic athletic  
457 competitions the option of purchasing a single-day pass or a  
458 multiple-day pass that is at a cost below that which one would  
459 pay on a per-event basis for the same number of contests. A  
460 ~~private school that wishes to engage in high school athletic~~  
461 ~~competition with a public high school may become a member of the~~  
462 ~~FHSAA~~. Any high school in the state, including private schools,  
463 traditional public schools, charter schools, virtual schools,  
464 and home education cooperatives, may become a member of the  
465 FHSAA and participate in the activities of the FHSAA. ~~However,~~  
466 Membership in the FHSAA is not mandatory for any school. The  
467 FHSAA shall allow a school the option of joining the association  
468 as a full-time member or on a per-sport basis and may not

469 prohibit or discourage any school from simultaneously  
 470 maintaining membership in the FHSAA and another athletic  
 471 association. The FHSAA may not:

472 (a) Deny or discourage interscholastic athletic  
 473 competition between its member schools and nonmember ~~non-FHSAA~~  
 474 ~~member Florida~~ schools, including members of another athletic  
 475 ~~association. governing organization, and may not take~~

476 (b) Engage in any retributory or discriminatory action  
 477 against any of its member schools that seek to participate in  
 478 interscholastic athletic competition with nonmember ~~non-FHSAA~~  
 479 ~~member Florida~~ schools or become members in other associations  
 480 ~~for a sport for which they are not a member of the FHSAA. The~~  
 481 ~~FHSAA may not unreasonably withhold~~

482 (c) Withhold its approval of an application to become an  
 483 affiliate member of the National Federation of State High School  
 484 Associations submitted by any other association ~~organization~~  
 485 that governs interscholastic athletic competition in this state  
 486 which meets the requirements of the National Federation of State  
 487 High School Associations. The commissioner may identify other  
 488 associations that govern interscholastic athletic competition in  
 489 compliance with the requirements of the National Federation of  
 490 State High School Associations. ~~The bylaws of the FHSAA are the~~  
 491 ~~rules by which high school athletic programs in its member~~  
 492 ~~schools, and the students who participate in them, are governed,~~  
 493 ~~unless otherwise specifically provided by statute. For the~~  
 494 purposes of this section, "high school" includes grades 6

495 through 12.

496 (2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING ADOPTION  
497 ~~OF BYLAWS, POLICIES; ELIGIBILITY DISPUTE RESOLUTION, OR~~  
498 ~~GUIDELINES.~~—

499 (a) The FHSAA shall ~~adopt bylaws that, unless specifically~~  
500 ~~provided by statute,~~ establish eligibility requirements for all  
501 students who participate in interscholastic high school athletic  
502 competition in its member schools. A ~~The bylaws governing~~  
503 ~~residence and transfer shall allow the student~~ is ~~to be~~ eligible  
504 in the school in which he or she first enrolls each school year  
505 or the school in which the student makes himself or herself a  
506 candidate for an athletic team by engaging in a practice before  
507 ~~prior to~~ enrolling in the school. A student who transfers ~~The~~  
508 ~~bylaws shall also allow the student to be eligible in the school~~  
509 ~~to which the student has transferred during the school year~~ is  
510 eligible in the school to which he or she transfers ~~if the~~  
511 ~~transfer is made by a deadline established by the FHSAA, which~~  
512 ~~may not be prior to the date authorized for the beginning of~~  
513 ~~practice for the sport. These transfers shall be allowed~~  
514 ~~pursuant to the district school board policies in the case of~~  
515 ~~transfer to a public school or pursuant to the private school~~  
516 ~~policies in the case of transfer to a private school. The~~  
517 ~~student shall be eligible in that school so long as he or she~~  
518 ~~remains enrolled in that school. Subsequent eligibility shall be~~  
519 ~~determined and enforced through the FHSAA's bylaws. Requirements~~  
520 ~~governing eligibility and transfer between member schools shall~~

521 ~~be applied similarly to public school students and private~~  
 522 ~~school students.~~

523 (b) The FHSAA shall ~~adopt bylaws that specifically~~  
 524 prohibit the recruiting of students for athletic purposes and.  
 525 ~~The bylaws shall~~ prescribe penalties and an appeals process for  
 526 athletic recruiting violations. Recruiting is any effort by a  
 527 school employee or athletic department staff member to pressure,  
 528 urge, or entice a student to attend that school for the purpose  
 529 of participating in interscholastic athletic competition as  
 530 determined by a neutral third party based upon a preponderance  
 531 of the evidence.

532 1. If it is determined that a school has recruited a  
 533 student ~~in violation of FHSAA bylaws,~~ the FHSAA may require the  
 534 school to participate in a higher classification for the sport  
 535 in which the recruited student competes for a minimum of one  
 536 classification cycle, in addition to any other appropriate fine  
 537 and sanction imposed on the school, its coaches, or adult  
 538 representatives who commit ~~violate~~ recruiting violations ~~rules~~.

539 2. Any recruitment by an adult in violation of FHSAA  
 540 bylaws shall result in forfeiture of every competition in which  
 541 the recruited student participates and an escalating punishment,  
 542 as follows:

543 a. For a first offense, a \$5,000 fine.

544 b. For a second offense, a \$7,500 fine and, if the  
 545 individual who committed the violation is employed by the school  
 546 district, suspension without pay from any coaching, directing,

547 or promoting any extracurricular activity for 12 months.

548 c. For a third offense, a \$10,000 fine and, if the  
549 individual who committed the violation holds a temporary or  
550 professional certificate under s. 1012.55 or s. 1012.56, the  
551 FHSAA shall refer the violation to the department for  
552 investigation pursuant to s. 1012.796. If the complaint is  
553 upheld, the individual's Florida educator's certificate must be  
554 revoked for a period of 3 years, in addition to the available  
555 penalties under s. 1012.796.

556

557 A school board, alumni association, foundation, parent-teacher  
558 association, or booster association may not directly or  
559 indirectly pay a fine or penalty assessed against an individual  
560 under this paragraph. A student may only ~~not~~ be declared  
561 ineligible based on a recruiting violation if the FHSAA has  
562 imposed sanctions against the individuals or member school  
563 engaging in recruiting ~~of recruiting rules unless the student or~~  
564 parent has falsified any enrollment or eligibility document or  
565 accepted any benefit or any promise of benefit if such benefit  
566 is not generally available to the school's students or family  
567 members or is based in any way on athletic interest, potential,  
568 or performance.

569 (f) The FHSAA shall adopt bylaws that establish sanctions  
570 for coaches who have committed major violations of the FHSAA's  
571 bylaws and policies.

572 1. Major violations include, but are not limited to,

573 knowingly allowing an ineligible student to participate in a  
574 contest representing a member school in an interscholastic  
575 contest or committing a violation of the FHSAA's recruiting or  
576 sports ethics ~~sportsmanship~~ policies.

577 2. Sanctions placed upon an individual coach may include,  
578 but are not limited to, prohibiting or suspending the coach from  
579 coaching, participating in, or attending any athletic activity  
580 sponsored, recognized, or sanctioned by the FHSAA and the member  
581 school for which the coach committed the violation. If a coach  
582 is sanctioned by the FHSAA and the coach transfers to another  
583 member school, those sanctions remain in full force and effect  
584 during the term of the sanction.

585 3. If a member school is assessed a financial penalty as a  
586 result of a coach committing a major violation, the coach shall  
587 reimburse the member school before being allowed to coach,  
588 participate in, or attend any athletic activity sponsored,  
589 recognized, or sanctioned by the FHSAA and a member school.

590 4. The FHSAA shall establish a due process procedure for  
591 coaches sanctioned under this paragraph, ~~consistent with the~~  
592 ~~appeals procedures set forth in subsection (7).~~

593 (g) The FHSAA shall provide a process for the resolution  
594 of student eligibility disputes. The FHSAA shall provide an  
595 opportunity to resolve eligibility issues through an informal  
596 conference procedure, which may include waiver of the bylaws  
597 governing the eligibility determination. The FHSAA must provide  
598 written notice to the student athlete, parent, and member school

599 stating specific findings of fact that support a determination  
600 of ineligibility. The student athlete must request an informal  
601 conference if he or she intends to contest the charges. The  
602 informal conference must be held within 10 days after receipt of  
603 the student athlete's request. If the eligibility dispute is not  
604 resolved at the informal conference, the FHSAA shall provide a  
605 process for the timely and cost-effective resolution of an  
606 eligibility dispute using a neutral third party, including the  
607 use of retired or former judges, mediation, or arbitration. The  
608 neutral third party shall be selected by the parent of the  
609 student athlete from a list maintained by the FHSAA. A final  
610 determination regarding the eligibility dispute must be issued  
611 no later than 30 days after the informal conference. The FHSAA  
612 shall adopt bylaws establishing the process for resolving  
613 eligibility disputes must and standards by which FHSAA  
614 determinations of eligibility are made. Such bylaws shall  
615 provide that:

616 1. Ineligibility must be established by a preponderance of  
617 the clear and convincing evidence.†

618 2. Student athletes, parents, and schools must have notice  
619 of the initiation of any investigation or other inquiry into  
620 eligibility and may present, to the investigator and to the  
621 individual or body making the eligibility determination, any  
622 information or evidence that is credible, persuasive, and of a  
623 kind reasonably prudent persons rely upon in the conduct of  
624 serious affairs.†

625           3. An investigator may not determine matters of  
626 eligibility but must submit information and evidence to the  
627 individual or body designated by the FHSAA ~~executive director or~~  
628 ~~a person designated by the executive director or by the board of~~  
629 ~~directors~~ for an unbiased and objective determination of  
630 eligibility. ~~and~~

631           4. A determination of ineligibility must be made in  
632 writing, setting forth the findings of fact and specific  
633 violation upon which the decision is based.

634           5. Any proceedings concerning student athlete eligibility  
635 must be held in the county in which the student athlete resides  
636 and may be conducted by telephone, videoconference, or other  
637 electronic means.

638           6. A student athlete may not be declared ineligible to  
639 participate in interscholastic athletic competition until a  
640 final decision is issued by the neutral third party unless the  
641 determination of ineligibility is based on s. 1006.15(3)(b). It  
642 is the responsibility of the member school to assess the facts  
643 underlying the eligibility dispute and any potential penalties  
644 that may result from a determination of ineligibility in  
645 deciding whether to allow the student athlete to continue to  
646 participate before a final eligibility determination.

647           ~~(h) In lieu of bylaws adopted under paragraph (g), the~~  
648 ~~FHSAA may adopt bylaws providing as a minimum the procedural~~  
649 ~~safeguards of ss. 120.569 and 120.57, making appropriate~~  
650 ~~provision for appointment of unbiased and qualified hearing~~

651 ~~officers.~~

652 ~~(i) The FHSAA bylaws may not limit the competition of~~  
653 ~~student athletes prospectively for rule violations of their~~  
654 ~~school or its coaches or their adult representatives. The FHSAA~~  
655 ~~bylaws may not unfairly punish student athletes for eligibility~~  
656 ~~or recruiting violations perpetrated by a teammate, coach, or~~  
657 ~~administrator. Contests may not be forfeited for inadvertent~~  
658 ~~eligibility violations unless the coach or a school~~  
659 ~~administrator should have known of the violation. Contests may~~  
660 ~~not be forfeited for other eligibility violations or recruiting~~  
661 ~~violations in excess of the number of contests that the coaches~~  
662 ~~and adult representatives responsible for the violations are~~  
663 ~~prospectively suspended.~~

664 ~~(7) APPEALS.—~~

665 ~~(a) The FHSAA shall establish a procedure of due process~~  
666 ~~which ensures each student the opportunity to appeal an~~  
667 ~~unfavorable ruling with regard to his or her eligibility to~~  
668 ~~compete. The initial appeal shall be made to a committee on~~  
669 ~~appeals within the administrative region in which the student~~  
670 ~~lives. The FHSAA's bylaws shall establish the number, size, and~~  
671 ~~composition of each committee on appeals.~~

672 ~~(b) No member of the board of directors is eligible to~~  
673 ~~serve on a committee on appeals.~~

674 ~~(c) Members of a committee on appeals shall serve terms of~~  
675 ~~3 years and are eligible to succeed themselves only once. A~~  
676 ~~member of a committee on appeals may serve a maximum of 6~~

677 ~~consecutive years. The FHSAA's bylaws shall establish a rotation~~  
678 ~~of terms to ensure that a majority of the members' terms do not~~  
679 ~~expire concurrently.~~

680 ~~(d) The authority and duties of a committee on appeals~~  
681 ~~shall be to consider requests by member schools seeking~~  
682 ~~exceptions to bylaws and regulations, to hear undue hardship~~  
683 ~~eligibility cases filed by member schools on behalf of student~~  
684 ~~athletes, and to hear appeals filed by member schools or student~~  
685 ~~athletes.~~

686 ~~(e) A student athlete or member school that receives an~~  
687 ~~unfavorable ruling from a committee on appeals shall be entitled~~  
688 ~~to appeal that decision to the board of directors at its next~~  
689 ~~regularly scheduled meeting or called meeting. The board of~~  
690 ~~directors shall have the authority to uphold, reverse, or amend~~  
691 ~~the decision of the committee on appeals. In all such cases, the~~  
692 ~~decision of the board of directors shall be final.~~

693 ~~(f) The FHSAA shall expedite the appeals process on~~  
694 ~~determinations of ineligibility so that disposition of the~~  
695 ~~appeal can be made before the end of the applicable sports~~  
696 ~~season, if possible.~~

697 ~~(g) In any appeal from a decision on eligibility made by~~  
698 ~~the executive director or a designee, a school or student~~  
699 ~~athlete filing the appeal must be permitted to present~~  
700 ~~information and evidence that was not available at the time of~~  
701 ~~the initial determination or if the determination was not made~~  
702 ~~by an unbiased, objective individual using a process allowing~~

703 ~~full due process rights to be heard and to present evidence. If~~  
704 ~~evidence is presented on appeal, a de novo decision must be made~~  
705 ~~by the committee or board hearing the appeal, or the~~  
706 ~~determination may be suspended and the matter remanded for a new~~  
707 ~~determination based on all the evidence. If a de novo decision~~  
708 ~~is made on appeal, the decision must be made in writing, setting~~  
709 ~~forth the findings of fact and specific violation upon which the~~  
710 ~~decision is based. If a de novo decision is not required, the~~  
711 ~~decision appealed must be set aside if the decision on~~  
712 ~~ineligibility was not based on clear and convincing evidence.~~  
713 ~~Any further appeal shall be considered on a record that includes~~  
714 ~~all evidence presented.~~

715 Section 5. Subsection (5) of section 1012.795, Florida  
716 Statutes, is amended, and paragraph (o) is added to subsection  
717 (1) of that section, to read:

718 1012.795 Education Practices Commission; authority to  
719 discipline.—

720 (1) The Education Practices Commission may suspend the  
721 educator certificate of any person as defined in s. 1012.01(2)  
722 or (3) for up to 5 years, thereby denying that person the right  
723 to teach or otherwise be employed by a district school board or  
724 public school in any capacity requiring direct contact with  
725 students for that period of time, after which the holder may  
726 return to teaching as provided in subsection (4); may revoke the  
727 educator certificate of any person, thereby denying that person  
728 the right to teach or otherwise be employed by a district school

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729 board or public school in any capacity requiring direct contact  
730 with students for up to 10 years, with reinstatement subject to  
731 the provisions of subsection (4); may revoke permanently the  
732 educator certificate of any person thereby denying that person  
733 the right to teach or otherwise be employed by a district school  
734 board or public school in any capacity requiring direct contact  
735 with students; may suspend the educator certificate, upon an  
736 order of the court or notice by the Department of Revenue  
737 relating to the payment of child support; or may impose any  
738 other penalty provided by law, if the person:

739 (o) Has committed a third recruiting offense as determined  
740 by the Florida High School Athletic Association pursuant to s.  
741 1006.20(2)(b).

742 (5) Each district school superintendent and the governing  
743 authority of each university lab school, state-supported school,  
744 or private school and the Florida High School Athletic  
745 Association shall report to the department the name of any  
746 person certified pursuant to this chapter or employed and  
747 qualified pursuant to s. 1012.39:

748 (a) Who has been convicted of, or who has pled nolo  
749 contendere to, a misdemeanor, felony, or any other criminal  
750 charge, other than a minor traffic infraction;

751 (b) Who that official has reason to believe has committed  
752 or is found to have committed any act which would be a ground  
753 for revocation or suspension under subsection (1); or

754 (c) Who has been dismissed or severed from employment

755 because of conduct involving any immoral, unnatural, or  
756 lascivious act.

757 Section 6. Subsection (3) of section 1012.796, Florida  
758 Statutes, is amended to read:

759 1012.796 Complaints against teachers and administrators;  
760 procedure; penalties.—

761 (3) The department staff shall advise the commissioner  
762 concerning the findings of the investigation and of all  
763 referrals by the Florida High School Athletic Association  
764 pursuant to ss. 1006.20(2)(b) and 1012.795. The department  
765 general counsel or members of that staff shall review the  
766 investigation or referral and advise the commissioner concerning  
767 probable cause or lack thereof. The determination of probable  
768 cause shall be made by the commissioner. The commissioner shall  
769 provide an opportunity for a conference, if requested, prior to  
770 determining probable cause. The commissioner may enter into  
771 deferred prosecution agreements in lieu of finding probable  
772 cause if, in his or her judgment, such agreements are in the  
773 best interests of the department, the certificateholder, and the  
774 public. Such deferred prosecution agreements shall become  
775 effective when filed with the clerk of the Education Practices  
776 Commission. However, a deferred prosecution agreement shall not  
777 be entered into if there is probable cause to believe that a  
778 recruiting offense, felony, or an act of moral turpitude, as  
779 defined by rule of the State Board of Education, has occurred.  
780 Upon finding no probable cause, the commissioner shall dismiss

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781 | the complaint.

782 |       Section 7. This act shall take effect July 1, 2016.